

REQUEST FOR EXTENSION

Applicant hereby petitions for an extension of time of one month under 37 CFR 1.136 to respond to the Office Action.

FEE STATEMENT

Any fees which may be required as a result of the amendments, the extension or the Terminal Disclaimer made herein are authorized to be charged to Assignee's deposit account number 07-0475.

REMARKS

Applicant has given careful consideration to the Examiner's Office Action and bases for rejection and objections to the specification, but in light of the amendments made herein, Terminal Disclaimer and arguments, withdrawal of the rejection and objections is respectfully solicited.

Amendment has been made to the Summary of the Invention and Abstract to conform them to the independent claims. No new matter has been added.

With respect to the numbering of the claims, as noted by the Examiner, original claim 2 was missing. The Examiner has proposed to correct this inadvertence by renumbering original claims 3-23, as claims 2-22. Applicant has made the corresponding amendment in this respect.

The rejection of original claims 12, 14-17 and 23 [corresponding to amended claims 11, 13-16 and 22] under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention, is respectfully traversed.

In claim 13, 16 and 22 [original claims 14, 17 and 23], it is submitted that the Markush grouping of cord configurations "... 6K-1, 3K-3... 6K-4" is completely definite and in compliance with 35 USC 112, second paragraph. The Examiner's attention is drawn to the paragraph spanning pages 5 and 6 of the specification. As it is stated

there, it is well known in the art that carbon yarn and cord formed therefrom may be characterized in precisely the same way as designated in the Markush grouping of the claims under rejection. As pointed out, the letter "K" is used in the art to denote the number of carbon fibers in the yarn utilizing the multiplier of 1000. Thus, "3K" is an abbreviation designating 1000 fibers ("K"), and the "3" is the multiplier. Thus, "3K" carbon yarn identifies a yarn of 3000 fibers or filaments. Similarly, the cord nomenclature "3K-5", as an example, designates carbon fiber cord in which five 3K yarns are twisted and/or otherwise bundled together to thus form cords having a filament count of 15,000. Similarly, "6K-1" would designate a carbon cord that is composed of a single yarn having a filament count of 6000.

Although Applicant strongly suggests that the foregoing nomenclature is well known to those skilled in the art, even assuming, *arguendo*, that such nomenclature may not be "well known" in the art, Applicant does have the freedom to be his own lexicographer, defining terms in the specification so that they have clarity and definiteness. This is exactly what Applicant has done in this application – supplied both common abbreviations used in the art for carbon cord designation as well as supplying a clear understanding of what those abbreviation designations specify. Withdrawal of this rejection of claims 13, 16 and 22 is respectfully requested.


In respect to claims 11 and 14 [original claims 12 and 15], as well as claim 19 [original claim 20], the reference to a pitch is unnecessary and has been deleted by amendment from the claim to obviate the rejection.

Claims 1-22 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of U.S. Patent No. 6,695,733, commonly owned. Applicant has filed an appropriate Terminal Disclaimer herewith, in compliance with the provisions of 37 CFR 1.321(c), and accordingly, it is believed the rejection over obviousness-type double patenting has been overcome.

Applicant has also reviewed the references cited by the Examiner in paragraph 8 of the Office Action, which were non-applied in the rejection. None of those references are believed to render any of claims 1-22 unpatentable under prevailing law.

In light of the amendments, the filing of the Terminal Disclaimer, and argument, withdrawal of the objections and rejections is respectfully requested. Early allowance is solicited.

Respectfully submitted,


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